No. 18-443

IN THE

Supreme Court of the United States

BOBBY JAMES MOORE,
Petitioner,

v.

TEXAS,
Respondent.

On Petition For A Writ Of Certiorari To The Court Of Criminal Appeals Of Texas

OPPOSITION OF PETITIONER TO MOTION OF THE ATTORNEY GENERAL OF TEXAS FOR LEAVE TO INTERVENE AS A RESPONDENT

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Petitioner opposes the motion of the Attorney General of Texas to "intervene as a respondent." Petitioner has no objection to the Court's consideration of the Attorney General's 14-page submission as an amicus curiae brief, an action that the Court has taken in analogous circumstances in the past. *See, e.g.*, *Northbrook Prop. & Cas. Ins. Co. v. Edwards*, 511 U.S. 1103 (1994) (mem.) (denying motion for leave to intervene and granting leave to file brief as amicus curiae); *Ohio Bureau of Emp't Servs. v. Hodory*, 429 U.S. 814 (1976) (mem.) (similar).

It is clear and undisputed that the District Attorney of Harris County—which has filed a brief as the respondent in this case—is the entity authorized by the State of Texas to speak for the State in this criminal case. *See* Tex. Code Crim. Proc. Art. 2.01. The Attorney General acknowledges this fundamental point of Texas law. *See* Motion 4–5 & n.1. The Attorney General's motion, however, asks this Court to give it equal legal status to the District Attorney in this case—as a respondent. Through a motion to this Court, the Attorney General thus seeks to obtain a legal status to which it is not entitled under Texas's careful allocation of legal authority among its prosecutorial offices. *See, e.g.*, *Saldano v. State*, 70 S.W.3d 873, 880 (Tex. Crim. App. 2002). It would be especially anomalous—and unprecedented—to grant such a motion at this procedural stage. None of the decisions cited by the Attorney General is remotely similar to this procedural stage or posture. Importantly, moreover, in this case, the proper respondent under Texas law already has filed a brief and is before the Court.

To the extent that the Attorney General nevertheless believes that there are observations he would

like to bring to the Court's attention (observations with which Petitioner disagrees), Petitioner has no objection to his doing so through the Court's treating his submission as an amicus curiae brief, as the Court has done in the past.

CONCLUSION

Petitioner respectfully requests that the Court deny the motion of the Attorney General of Texas for leave to intervene as a respondent.

Respectfully submitted,

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